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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,177	01/25/2002	Michel Maillard	1581.0330002	9147
26111	7590	11/30/2004	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			AKPATI, ODAICHE T	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/055,177		MAILLARD ET AL.	
	Examiner		Art Unit	
	Tracey Akpati		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14,40-43 and 55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14,40-43 and 55 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/25/2002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11-14, 40-43, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski et al (5144663).

With respect to Claim 1, Kudelski et al meets the limitation of "a smartcard for use with a receiver of encrypted broadcast signals" on column 4, lines 58-60; and "a microprocessor for enabling or controlling decryption of said signals; and a memory coupled to said microprocessor" on column 5, lines 62-65 and on column 6, lines 4-10; and "said microprocessor being adapted to enable or control the individual decryption of a plurality of such signals from respective broadcast suppliers of such signals by means of respective dynamically created zones in said memory, said dynamically created zones each being arranged to store decryption data associated with a respective one of said broadcast suppliers" on column 7, lines 27-44. The CPTV card represents the smartcard.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the CPTV card possess dynamically created zones within its memory for storage of decryption data because the card allows for the unscrambling of the emission (video/audio signals) signals.

With respect to Claim 11, Kudelski et al meets the limitation of “a smartcard reader for reading said smartcard, said receiver/decoder being arranged to decrypt broadcast encrypted signals under the control of the subscriber smartcard” on column 5, lines 45-48.

With respect to Claim 12, Kudelski et al meets the limitation of “said receiver/decoder being arranged to decrypt encrypted broadcast video and/or audio signals and to generate and corresponding video and/or audio output” on column 5, lines 52-57.

With respect to Claim 13, Kudelski et al meets the limitation of “said receiver/decoder having a relatively high bandwidth input port for receiving said encrypted broadcast signals and a relatively low bandwidth output port arranged to transmit output control signals back to a broadcast transmitter” on Fig. 1 and 6.

With respect to Claim 14, Kudelski et al meets the limitation of “said receiver/decoder containing a stored identifier and is arranged to work only with a smartcard having a corresponding stored identifier” on column 6, lines 21-45.

With respect to Claim 40, Kudelski et al meets the limitation of “a smartcard reader” on column 5, lines 45-48; and “a processor coupled to the smartcard reader and arranged to decrypt said signals in dependence upon an output from the smartcard” on Fig. 3; and “memory means containing a stored ID of the receiver/decoder; and means for comparing said stored ID with an ID of a smartcard read by the smartcard reader” on column 6, lines 21-45; and “means for

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enabling or disabling the decryption of said signals in dependence upon the comparison” on column 6, lines 41-45.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the CPTV card possess dynamically created zones within its memory for storage of decryption data because the card allows for the unscrambling of the emission (video/audio signals) signals.

With respect to Claim 41, Kudelski et al meets the limitation of “wherein said enabling means is arranged to enable or disable said smartcard” on column 5, lines 62-68; and on column 6, lines 1-3.

With respect to Claim 42, Kudelski et al meets the limitation of “wherein said processor is arranged to enable said smartcard in response to a handshake routine between the receiver/decoder and smartcard” on column 6, lines 4-10.

With respect to Claim 43, Kudelski et al meets the limitation of “said receiver/decoder being arranged to receive and decrypt broadcast video and/or audio signals” on column 5, lines 45-55.

With respect to Claim 55, its limitation is similar to Claim 40 limitation and hence its rejection can be found therein.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski et al (5144663) in view of Chaney (WO 96/06504).

With respect to Claim 2, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “an identifier and at least one secret decryption key associated with a respective one of said broadcast suppliers, said identifier and the or each key being stored in one of said dynamically created zones and being arranged to decrypt broadcast signals having an identity corresponding to that identifier and encrypted using an encryption key corresponding to that decryption key” is met by Chaney on page 6, lines 4-24; page 2, lines 22-30, 34-35; page 3, lines 1-8.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chaney within the system of Kudelski et al because identification data stored on the card is necessary for the identification of the card user and data specifying the scope of initial access entitlement (e.g. duration and/or specific programs the user has paid for).

With respect to Claim 3, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “for each zone a stored group identifier and a further identifier which identifies that zone within that group and is arranged to decrypt broadcast signals having an identity corresponding to the stored group identifier” is met by Chaney on page 6, lines 11-24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chaney within the system of Kudelski et al because identification data stored on the card is necessary for the identification of the card user and data specifying the scope of initial access entitlement (e.g. duration and/or specific programs the user has paid for).

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski et al (5144663) in view of Hirashima (4833710).

With respect to Claim 4, Kudelski et al meets all the limitation except for the following limitation.

The limitation of "said smartcard being arranged to maintain a first series of memory zones containing the identities of the respective broadcast suppliers and a second series of dynamically created memory zones, the memory zones in the second series each being labeled with the identity of a broadcast supplier and containing data including said decryption data used for the handling of received broadcast signals from that supplier, a plurality of memory zones in the second series having a common identity label and containing different classes of data relating to the handling of received broadcast signals from that broadcast supplier" is met by Hirashima on column 2, lines 46-66 and on column 4, lines 46-52.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user

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and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

With respect to Claim 5, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “said smartcard being arranged to create dynamically the memory zones of said first series” on column 4, lines 46-52.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

With respect to Claim 6, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “wherein the dynamically created memory zones are continuous” on column 2, lines 67-68; and on column 3, lines 1-17.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

With respect to Claim 7, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “a management memory zone arranged to store data for controlling the dynamic creation of said dynamically created zones” is met by Hirashima on column 2, lines 67-68; column 3, lines 1-17.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

With respect to Claim 8, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “wherein one of said dynamically created zones contains rights data indicating a particular selection of broadcast items broadcast by a broadcast supplier, which the user of the smartcard is entitled to decrypt, the smartcard being arranged to utilize said rights data to decrypt items broadcast by that supplier” is met by Hirashima on column 2, lines 67-68; column 3, lines 1-9 and on column 4, lines 46-52.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user

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and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

With respect to Claim 9, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “wherein a transaction memory zone is defined in the smartcard in addition to said dynamically created zones and contains further rights data concerning items broadcast by a broadcast supplier which a user of the smartcard is entitled to decrypt only in response to a transaction output signal which can be generated by the smartcard under the control of the user” is met by Hirashima on column 2, lines 46-66 and on column 4, lines 46-52.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

With respect to Claim 10, Kudelski et al meets all the limitation except for the following limitation.

The limitation of “a counter for counting the number of occasions on which an item is broadcast following the output of a said transaction output signal and wherein the smartcard is arranged to gate the decryption of that item in dependence upon the count value reached by said

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counter" is met by Hirashima on column 8, lines 65-68; column 9, lines 1-16; and on column 4, lines 46-52.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hirashima within the system of Kudelski et al because dynamic memory zones enable the decoder efficiently keep track of content viewed by the user and its corresponding duration. This will enable the user to be accurately billed for each pay-per-view channel watched.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 571-272-3846. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA

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